CONVENTION *of* STATES ACTION

Co-founder, **Mark Meckler**

Florida State Director, **Denah Butts**
denah.butts@cosaction.com
(813) 853-1280

Florida Legislative Liaison Lead, **Michelle Laflamme**
michelle.laflamme@cosaction.com
(352) 455-8703

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Preface

It is in the interests of the State of Florida, the future of the Article V Convention of States, to develop a State appointed Committee or Working Group (of Legislators, or appointees) to drive the conversation prior to the convening of any Convention, and to ensure adequate preparation. Which committee, or similar body of appointed persons, would be responsible to identify specific issues pertaining to the purpose of the proposed convention, and establishing a "Florida Plan" to lead the administration of any proposed Article V Convention of States.

Article V Convention of States Working Group:

The primary responsibilities of the committee would be to 1) Develop structure for selection and governance of State Delegates to the Convention of States, 2) Identify Issue(s) of concern germane to the stated purpose of the Convention, 3) Draft appropriate Amendments for presentation to the State Legislature for approval for presentation to the Convention of States (a "Florida Plan"), and 4) Draft the rhetorical support regarding the need and effect of the proposed Amendment. These responsibilities are defined more thoroughly as follows:

1) The Committee shall develop a recommended structure for the selection of Representatives to the Convention of States, which recommendation shall include 1) the number of Representatives, 2) method of selection, 3) the method of determining the casting ("yea"/"nay") of the single vote of the State in any votes held at the convention, and 4) propose restrictions on the administration of Delegate activities.

    Preliminary Recommendations:

    a. Delegation structure: It is recommended that nine Convention Representatives be sent on behalf of the State. This ensures that adequate

representatives may be available for various breakout sessions, and that the odd number would prevent potential “deadlocking” of votes.

b. Method of Selection: It is recommended that each house of the State Congress shall select three (3) Representatives (six (6) in total) and that the Governor shall select the remaining three (3) Representatives. It is further recommended that both Houses of the State Congress and the Governor each identify three (3) alternate representatives, in the event that a representative becomes ill or backs out of the Convention.

c. Method of determining the State vote cast at the Convention: It is recommended that all State Representatives to the Convention shall be required to vote affirmatively (“yea”/“Aye”/“yes”) for any Amendment that has been prepared and approved by the State Committee prior to the convening of the Convention, and that all delegates vote affirmatively or negatively for all Amendment proposals that are brought to a vote. No delegate shall be permitted to reserve, or otherwise shirk the responsibility of casting a valid “yay or nay” vote. It is further recommended that the States vote in all circumstances shall be determined by a “simple majority” (e.g., five out of nine delegates.

d. Propose restrictions on the administration of Delegate activities: in the interest of ensuring fair and proper administration of Delegate authorities, it is recommended that Delegates be required to sign a binding oath upon acceptance of a nomination to serve as delegate, which oath may be akin to the restrictions contained in Section 6 of Attachment A (Model Resolution for the Selection and Management of State Delegates):

2) Identification of Issues tied to the Identified Convention topics: For example (with discussion/legislation regarding the Convention of States Action resolution (SM 476)), the group would identify issues tied to Imposing Fiscal Restraints on the Federal Government, Limiting the Power and Jurisdiction of the Federal Government, and Limit the Terms of Office for Federal Officers and Members of Congress. Under this structure:
    a. The committee shall be responsible for laying out specific areas of areas of concern germane to the identified topics/purpose of the Convention. In the case of "Limiting the Power and Jurisdiction of the Federal Government", this will be done by determining what actions and agencies exist outside the explicit authority granted under the enumerated powers granted the Federal Government within the text of the United States Constitution, without regard for prior assertions of constitutionality under Article I, Section 8, Clause 18 referred to as the "Necessary and Proper" clause.

    b. Further, the committee shall identify those encroachments into the Rights of the States, and the Liberty of the People, which may flow out from the specific enumerated powers of the Federal Government, which yet prove burdensome to the States and the People respectively, in support of the stated purpose of "Limiting the Power and Jurisdiction of the Federal Government".

    c. A very broad body of sample Amendments and rhetorical support can be found in Attachment B, provided for the purpose of aiding in the analysis of potential topics for consideration, and the provision of sample rhetorical support for the topics identified therein.

3) The Committee shall draft Amendment(s) as appropriate to address the identified areas of concern, tying each proposed Amendment directly to a stated topic/purpose of the call for a convention. Under no circumstances shall an

Amendment be approved, or proffered to the State, unless such Amendment can clearly derive its need from the stated objectives of the Florida State Application for an Article V Convention of States.

4) Each draft Amendment shall be accompanied by a rhetorical analysis of the identified issue the Amendment addresses (e.g., encroachment on the States or the People), and shall articulate the resolution of that issue which is represented in the draft Amendment. This responsibility represents nothing less than the drafting of a modern Federalist Papers, which shall accompany the final submission of the recommended Constitutional Amendments for consideration under the Convention of States.

A [Resolution/Rule] to Establish a Process for the Selection and Oversight of Commissioners to an Article V Convention for Proposing Amendments

SECTION 1. Applicability. This [resolution/rule] applies to a convention for proposing amendments held under Article V of the U.S. Constitution.

SECTION 2. Definitions. As used in this [resolution/rule]:

A. "Advisory committee" means a committee consisting of members selected by each chamber using the process defined in this [resolution/rule] to perform the duties defined in this [resolution/rule];

B. "Chamber" means either the Senate or the [House of Representatives/House of Delegates/Assembly] of the [legislature/general assembly];

C. "Commissioner" means a person selected by resolution of the [legislature/general assembly] as provided herein to represent this state at an Article V convention for proposing amendments;

D. "Commissioning Resolution" means the resolution adopted by the [House of Representatives/House of Delegates/Assembly] and Senate of the [legislature/general assembly] which sets forth the names of the appointed commissioners and their commissions and instructions;

E. "Delegation" means the group of commissioners and interim commissioners chosen by the [legislature/general assembly] to attend an Article V convention with the powers and duties defined in this [resolution/rule];

F. "Interim Commissioner" means a person selected by the advisory committee pursuant to Section 8 to fill a vacancy in the delegation.

SECTION 3. Qualifications of Commissioners. At the time of appointment and throughout the Article V convention, a commissioner:

a. Must be a United States citizen and have been such for at least 5 years;
b. Must be a resident of the state and have been such for at least 5 years;
c. Must be at least 25 years old;
d. Must be a registered voter in this state;
e. Must not be registered or required to be registered as a federal lobbyist at any time within the last 5 years;

f. Must not currently be a federal employee (other than a member of the United States armed forces) or contractor, nor have been such at any time within the last 10 years;
g. Must not have held a federal elected or appointed office at any time within the last 10 years;
h. Must not have had any felony convictions for crimes involving moral turpitude in any jurisdiction, nor any felony convictions for any crime in any jurisdiction within the last 10 years;
i. Must not hold a statewide office while performing the duties of commissioner or interim commissioner. For purposes of this section, a position as a state legislator is not deemed a "statewide office."

SECTION 4. Commissioner Selection and Removal.

A. [Number] commissioners shall be named by a resolution passed by a majority of those present and voting in a joint session of the [legislature/general assembly]. All commissioners shall be appointed by this process.

B. The [legislature/general assembly] shall maintain an odd number of commissioners in the delegation.

C. A commissioner or interim commissioner may be recalled and/or removed at any time and for any reason by a joint resolution of the [legislature/general assembly] or by a majority of those present and voting in a joint session thereof; and if the [legislature/general assembly] is not in session, may be recalled and suspended from their duties by the advisory committee, pending a vote of the legislature.

D. A commissioner or interim commissioner shall be recalled and/or suspended by the advisory committee pursuant to a determination under Section 13 that he or she has exceeded the scope of his or her authority.

SECTION 5. Commissioning Resolution.

A. The resolution naming the commissioners shall include their commission. The commission shall include, but shall not be limited to, the following components:

1. A commissioner shall not vote for or otherwise promote any change to the traditional convention rule of decision on the floor and in the committee of the whole, to-wit, that each state has one vote.
2. A commissioner shall not vote in favor of any proposed amendment that would alter the text of the specific guarantees of individual liberty established by the Constitution, including the original Constitution, the Bill of Rights, and the following amendments: Thirteenth, Fourteenth, Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth.

B. The commissioning resolution shall clearly state the scope of the commissioners' authority, which shall be limited by:

1a. if this state was not one of the two-thirds of the states applying for the Convention, the subject matter enumerated in the 34 state applications that triggered the convention; or

1b. if this state was one of the two-thirds of the states applying for the Convention, the subject matter in this state's application; and

2. any additional instructions from the [legislature/general assembly], whether in the commissioning resolution or issued thereafter.

C. The [legislature/general assembly] may provide additional instructions at any time via subsequent resolution, a copy of which the Clerk of the [House of Representatives/House of Delegates/Assembly] shall provide to each commissioner and to the advisory committee.

SECTION 6. Oath.

A. Each commissioner shall, before exercising any function of the position, execute the following oath in writing: "I do solemnly swear (or affirm) that I accept and will act according to the limits of authority specified in my commission and any present or subsequent instructions. I understand that violating this oath may subject me to penalties provided by law. I understand that I may be recalled or suspended from my duties by the [legislature/general assembly] or the advisory committee. "

B. A commissioner's executed oath shall be filed with the Secretary of State.

SECTION 7. Credentials. After a commissioner's executed oath is filed with the Secretary of State, the Clerk of the [House of Representatives/House of Delegates/Assembly] shall provide to the commissioner an official copy of the executed oath and the commissioning resolution, which together shall serve as the commissioner's credentials.

SECTION 8. Vacancies. Any vacancies shall be filled by the advisory committee's selection of an interim commissioner until such time as a vote by a joint session of the legislature shall select a permanent replacement.

SECTION 9. Compensation and Expenses.

A. A commissioner shall receive the same compensation as a member of the [House of Representatives/House of Delegates/Assembly/] of this state, prorated for length of time served.

B. A commissioner is entitled to receive the same allowance for expenses as provided to a member of the [House of Representatives/House of Delegates/Assembly] of this state.

SECTION 10. Emolument and Gift Prohibition.

Neither a commissioner nor an interim commissioner shall accept, during his or her time of service, any gifts or benefits with a combined value of more than two hundred dollars ($200.00), other than from a member of his or her family and of the kind customarily granted by a member of one's family. The term "gift or benefit" shall be construed liberally to include current and future loans, lodging, food, offer of prospective employment, and other actual and prospective benefits. An employer's decision to continue paying a commissioner's current salary shall not be construed to be a gift.

SECTION 11. Quorum, Conduct, and Rule of Decision within the Delegation.

A. The commissioners within the delegation (including any interim commissioners filling a vacancy) shall choose from among them a person who shall chair the delegation, a person who shall cast the state's vote on the convention floor, and a person to speak to the mass media on behalf of the delegation. If the delegation so decides, the same person may exercise any two or all three functions. The delegation may designate a different commissioner to perform any function at any time.
B. Each commissioner shall take care to avoid communicating the impression to any person outside the delegation that the delegation is divided on a question on which the delegation has taken a formal position, including but not limited to casting a vote.
C. No commissioner other than the one designated to communicate with the mass media on behalf of the delegation shall communicate with the mass media about convention business during the convention or during any temporary recess or temporary adjournment.
D. A commissioner violating Section 11(B) or (C) may be suspended or recalled by the advisory committee or by the [legislature/general assembly].
E. Sections 11(B) and (C) shall not be construed to prevent a commissioner from presenting his or her opinions to the convention or debating a matter at the convention on which his or her delegation has not formally taken a position.
F. The quorum for decision by the delegation—including the designation of commissioners for particular duties and the determination of how the state's vote shall be cast—shall be a majority present and voting at the time the delegation is polled. No decisions shall be made and no

vote shall be cast if less than a majority of the delegation votes in the poll.

G. The rule of decision for the delegation, a quorum being present, shall be a majority of those present and voting at the time of polling.

SECTION 12. Article V Commissioner Advisory Committee.

A. The advisory committee consists of the following members:

1. A State Senator appointed by the President of the Senate;
2. A State [Representative/Delegate/Assemblyman] appointed by the Speaker of the [House/Assembly];
3. A member of the legislature nominated by joint action of the President of the Senate and the Speaker of the [House of Representatives/House of Delegates/Assembly] and approved by the majority of those voting in each Chamber.

B. The advisory committee shall select one of its members as chair.

C. A commissioner may request that the advisory committee advise him or her as to whether a prospective action by the commissioner would violate the commissioning resolution or any subsequent instructions.

D. The advisory committee:

1. Shall communicate to the commissioner requesting such advice a determination within 24 hours of receiving the request.
2. May communicate such determination by any appropriate medium.
3. Shall have authority to hire staff and develop appropriate procedures and mechanisms for monitoring the convention, its committees, and subcommittees.

SECTION 13. Monitoring the Exercise of Commissioner Authority.

A. Whenever the advisory committee has reason to believe that a commissioner or interim commissioner has exceeded the scope of his or her authority, the committee shall notify the Speaker of the [House/Assembly], the President of the Senate, and the Attorney General.

B. Upon the request for a determination by the Speaker of the House, the President of the Senate, or the Attorney General on whether a commissioner or interim commissioner has exceeded the scope of his or her authority, the advisory committee shall issue a determination on whether the

commissioner or interim commissioner did exceed his or her authority. The determination shall be expeditiously made and immediately communicated to the person requesting it.

C. Upon determining that a commissioner or interim commissioner has exceeded the scope of his or her authority pursuant to Section 13(A) or (B), the advisory committee shall immediately exercise its authority under Section 4 to remove said commissioner, and shall communicate said action and the reasons therefor to the Speaker of the House, the President of the Senate, the Attorney General, and the presiding officers of the convention.

FLORIDA "HAMILTON COUNCIL" PROPOSED AMENDMENTS BY "PURPOSE" OF THE CONVENTION

I. Impose Fiscal Restraints on the Federal Government:

BALANCED BUDGET AMENDMENT:

1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year and submit said budget to the President for consideration.
2. Should Congress fail to adopt a final fiscal year budget prior to the start of each fiscal year, which shall commence on October 1 of each year, and/or if the President fail to sign said budget into law, an automatic, across the board, 5 percent reduction in expenditures from the prior year's fiscal budget shall be imposed for the fiscal year in which a budget has not been adopted.
3. Total outlays of the federal government for any fiscal year shall not exceed its receipts for that fiscal year.
4. Total outlays of the federal government for each fiscal year shall not exceed 17.5 percent of the Nation's gross domestic product for the previous calendar year.
5. Total receipts shall include all receipts of the United States Government but shall exclude those derived from borrowing. Total outlays shall specifically exclude those for the repayment of debt principal.
6. Congress may provide for a one-year suspension of one or more of the preceding sections in this Article by a threefifths vote of both Houses of Congress, provided the vote is conducted by roll call and sets forth the specific excess of outlays over receipts or outlays over 17.5 percent of the Nation's gross domestic product.
7. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of both Houses of Congress shall provide for such an increase by roll call vote.
8. This Amendment shall take effect in the two fiscal year after its ratification.

EXPLANATION OF PURPOSE: "First, a balanced-budget requirement will ensure we do not continue to drive our country further into debt by trying to do all things for all people. There are some programs we simply cannot afford, but deficit spending makes it too easy not to say no.
When Republicans and Democrats are forced to spend only what we take in, Congress will not be able to sidestep tough decisions about our national priorities.
Second, balancing our budget today will avoid even tougher choices tomorrow. Proponents of investments in areas such as education, infrastructure and energy should welcome a balanced-budget amendment because it will help make money available in the future for these priorities. Under the president's recent budget proposal, which runs a

deficit every year, payments on the national debt will quadruple over the next decade, crowding out important resources.
Delaying the inevitable only increases the severity of the cuts to important programs. Finally, a structural budget restraint is necessary to overcome Congress's insatiable appetite to spend. Both parties deserve blame for irresponsible spending. A balanced-budget amendment is the only way to ensure that Congress acts in the best interest of the country, regardless of who is in power.
Critics worry that an amendment that requires a two-thirds vote to circumvent under any circumstance may prove problematic in the case of an emergency. But history shows that in real emergencies, it is not difficult for Congress to produce a supermajority. Three days after the Sept. 11 terrorist attacks, the House passed an emergency supplemental spending bill, 422 to 0. The Senate passed it 96 to 0." (Sen Mike Lee)

PROHIBITION AGAINST DIRECT TAXATION: The 16th Amendment to the United States Constitution is hereby rescinded. This represents complete repeal of the Sixteenth Amendment, returning to the States all responsibilities for direct taxation. The Federal Government may still levy taxes against the many States and Territories on a per capita basis, and may still collect revenue in other, less intrusive ways (e.g., tariffs, excise taxes). This amendment shall take effect October 1st. 202X.

EXPLANATION OF PURPOSE: It should be clear to every thinking person that the fear of those that opposed the Sixteenth Amendment has come to the fullness of its fruition. The amendment which was passed in 1913 has become "a terror and torment to the honest citizen", exactly as was predicted and feared, costing the United States economy an estimated $147 Billion dollars each year (TaxFoundation.org.). The absurd, overly-complicated, and bureaucracy ridden Internal Revenue Service is rife with waste, incompetence, and abuse; that is, when it is not being outright weaponized against some element of the citizenry. This is all to say nothing of the role-reversal that has occurred in the wake of the Sixteenth Amendment, making states subservient to the will of the Federal Government, subject to the bureaucratic whims of the Federal Government for fear of losing Highway, School, Medicaid, or other funds. The Founders rightly conceived that a Federal Government reliant upon the many States for the collection and provision of taxes for the administration of Government was less able to use such funds for the oppression of the States that must fund such tyranny. By contrast, we have allowed a system to take root that forces the many States to beg the Federal Government for some portion of the taxes collected, and has facilitated the wasteful pork barrel and earmark funding schemes that have driven debt spending and brought the United States to the brink of financial oblivion. It is only through the returning to the States the power to levy direct taxation that the Federal Government can be forced to relinquish the financial stranglehold it has taken on the State and the Citizen alike.

ELIMINATION OF THE FEDERAL RESERVE: The Federal Reserve Act of 1913 is hereby repealed.

The rights and responsibilities relating to the minting of Federal monies, as established under Article I, Section 8, are recognized as inherently governmental and not subject to delegation or assignment outside of the halls of Government, and shall be executed via the Executive Branch via the Department of the Treasury, under the oversight of the united States House of Representatives. It is further recognized that the rights and responsibilities identified are granted toward the administration and policies of a monetary system, and that such authorities do not allow for the Federal Government to engage in direct banking activity or management.

Article I, Section 10, Clause 1 is hereby rescinded and replaced with the following:
"No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; emit Bills of Credit; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. The many States SHALL reserve the power to mint gold and silver Coin, or Money backed by gold or silver at an established weight, as Tender in Payment of Debts;

EXPLANATION OF PURPOSE: The Federal Reserve Act required its member banks to hold reserves in the form of Federal Reserve notes or deposit accounts with their local Reserve Bank. A member bank could obtain additional currency or reserve deposits by borrowing at the "Discount Window" of its Reserve Bank. A bank that wished to obtain funds in this way would provide some of its short-term commercial or agricultural loans as collateral for the loan. The Fed's discount window was thus a mechanism for transforming illiquid bank loans quickly into cash and thus providing the nation's money supply with the desired "elasticity." An important function of central banks was to serve as lender of last resort to the banking system, and discount window lending has traditionally been a key part of how the Fed has performed that role. In the 1920s, the Fed began to adjust its discount rate and buy and sell U.S. government securities to achieve macroeconomic objectives. The Federal Reserve Act permitted the Reserve Banks to buy (and sell) U.S. government securities, mainly so the Banks would have interest income to cover their expenses. When the bottom dropped out of the U.S. economy in the 1930s followed by the Great Depression, many economists blamed the depression on the Fed—specifically on the Fed's limited response to banking panics and their disrupting effects on the economy. Economists and historians continue to debate why the Fed failed to prevent the Great Depression after apparently successfully steering the economy out of trouble during the 1920s. History is repeating itself now. With a federal government wildly out of control, printing money that is no longer backed by the gold standard, it is worthless. States would do a better job if they were allowed to create their own tender in the form of gold or silver, or backed thereby.

II. Limit the Power and Jurisdiction of the Federal Government:

SENATE APPOINTMENT: The 17th Amendment to the United States Constitution is hereby repealed. All United States Senators shall be chosen by their state legislatures as prescribed by Article I, Section 3. This amendment shall not affect the term of any Senator chosen before its ratification. When vacancies occur in the representation of any State in the Senate for more than ninety days the Governor of the respective state shall appoint an individual to fill the vacancy for the remainder of the term. A United States Senator may be removed from office by a two-thirds vote of the respective State House of Representatives.

EXPLANATION OF PURPOSE:
While some may seek to argue that we seek to take power from the people, I would caution against such a cynical view. This amendment is presented explicitly for the purpose of returning oversight of the Senate closer to the individual and providing additional checks and balances against rogue U.S. Senate behavior. Take, for instance, my state of Florida. We have two Senators for approximately twenty-two million people. That means I am merely one of eleven million constituents to whom my Senator is accountable. By contrast, Florida has one-hundred and twenty State Representative, meaning that I am one of approximately 183,000 constituents to whom my State Representative is accountable. By returning to the process of appointment to the State Legislatures, you provide the respective States a voice in the Federation to which they are a Party. Equally important is the truth that by returning oversight of the individual U.S. Senators to the State House of Representatives, the process of accountability is effectively unionized. As an individual voter, you have much more impact on your State Representatives than you will ever have with a U.S. Senator. Thus, allowing the individual voter more direct access to those that may effect change in the management of the U.S. Senate. The truth is that the current U.S. Senate accountability process has thoroughly proven the old leadership maxim "When everyone is responsible for something, no one is".

It is instructive to understand that the entirety of our system of government was Intended to be a series of checks and balances, with the two Primary Parties to the "contract" that is the Constitution being the Citizen, the State, and the newly developed third party "Joint Venture" that was the Federal Government established via the adoption of the Constitution. It is noted that a fourth (secondary) party was brought into existence in support of the governance of this "Joint Venture"; that party being the Supreme Court of the United States. Both of the primary parties (the Citizens and the States), were to have direct representation within management of this "Joint Venture", and thereby the Body Politic and the "Joint Venture" itself would have its own representation in the governance; 1) the Citizens have the House of Representatives; 2) the States had the Senate; and 3) the Federal Government has the Executive Branch. The Constitution (the Contract establishing this Joint Venture) has its own representation via the Supreme Court. The reader will note the subtle change in verb tense relating to the representative of the States. As a result of the 17th Amendment, ratified in 1913, the States which

comprise the United STATES of America lost their voice within the Federal Government. This is rightly viewed as a "hostile takeover of the "Joint Venture". Yes, fully one third of the parties to a contract have been silenced and have had its ability to petition and participate in the Government subsumed.

RESTRICTIONS TO THE AUTHORITY OF EXECUTIVE AND ADMINISTRATIVE AGENCIES: No activity (i.e. direct action, policy, decision, guidance, definition, or redefinition) by any bureaucrat, executive, agency, or employee of the Federal Government shall alter, establish, or abolish the nature or application of the laws of the United States so as to increase the impact of such laws on the citizens or corporations of these United States. The Congress and the President, being vested with the responsibility for passage of law shall be responsible to, if they so desire, codify any proposed activity into law prior to implementation. It is noted that the States and the People grant no exemption for the purposes of Executive Agencies acting in response to Executive Orders, Presidential Emergency Action Documents, or other Congressional or Executive fiats.

EXPLANATION OF PURPOSE
The authority to create laws is vested in Congress—not the unelected bureaucrats in the respective Agencies that Congress created, the making of Law is expressly recognized as a non-delegable authority granted to Congress alone. The administrative agencies have been allowed to create a multitude of governmental actions amounting to law. This process was institutionalized during the great depression era as part of FDR's New Deal, and has led to generations of waste, fraud, and abuse that has existed since their inception. It was never intended that these agencies become regulation and rule makers in that such rules and regulation should bear the full weight of law in the initiation of new and novel requirements levied upon the public, but that they would be responsible for the provision of rule and regulation that would articulate the requirements of law in strict accordance with the express desire of the Congress. This amendment is intended to restore back to the People and to the States the rightful administration of law, and to abolish the unlawful authority that has been taken up by the administrative machine. It is the right of the States and of the United States Congress to make laws and such authorities were never granted to unelected bureaucrats, nor shall it ever be.

SUPREME COURT DECISION NULLIFICATION: If at any time a Supreme Court decision is found repugnant to the Republic, as evidenced by a three-fifths majority vote of the respective State legislatures, or by three-fifths majority votes in both chambers of Congress, such decision shall be expunged from the records as though it had never occurred.

EXPLANATION OF PURPOSE: It is the clear opinion of the Founders, and the rational position of any thinking person, that five appointed persons would be so imbued with majesty so as to be flawless in their interpretation and execution of law. It was Justice Robert Jackson famously quipped, "We are not final because we are infallible, but we are

infallible only because we are final." It should have been clear after the Dred Scott v. Sandford decision, where the Supreme Court upheld slavery, that checks and balances were required against even the supreme court. Yet, we find that legislation, reinterpretation, and judicial abuse survived for generations beyond. In the event of a gross miscarriage of justice, or judicial activism, it is the peoples most foundational right to reassert the will of the Governed and return to the people that power which was usurped by any branch of the Government.

FEDERAL LAW NULLIFICATION: In the event that a Federal Law is deemed inconsistent with and/or repugnant to the Constitution or the Republic as evidenced by a by a simple majority of the State Legislatures, such Law shall be expunged from the records as though it had never passed through the U.S. Congress.

EXPLANATION OF PURPOSE: It is the clear opinion of the Founders, and the rational position of any thinking person, that the many States were never intended to be subject to the unimpeded whims of the Federal Government which they themselves had created. Where Constitutionality itself is sufficient justification for an amendment of this nature, so too is the consent of the governed.

CONGRESSIONAL LAW APPLICABILITY: Congress shall make no law that applies to the citizens of the United States that does not apply equally to the Senators and/or Representatives; and Congress shall make no law that applies to the Senators and/or Representatives that does not apply equally to the citizens of the United States.

EXPLANATION OF PURPOSE: This recommendation falls to the lowest basic standard of governance subject to the consent of the governed. In no free state can a people be expected to persevere under the hand of them that call themselves servants, yet use the power of their borrowed office to effect law that either enriches the governors while oppressing the governed, or establishes a de facto leadership class that exists and benefits beyond the laws effect on the common man.

JUSTIFICATION OF CONSTITUTIONAL AUTHORITY: No Bill passed through Congress shall be made law unless such Bill contains direct and complete justification and authority, derived by specific Constitutional citation. Nor shall any Executive Order take effect except that such Order contains direct and complete justification and authority, derived by specific Constitutional citation. Any Bill or Executive Order making reference to Article I, Section 8, Clause 18 as a basis for its authority shall require supplementary justification in the form of a detailed description of any rational supporting such a "necessary and proper" justification, including supplementary citation of a constitutional

authority or requirement that the "necessary and proper" action in question is intended to support.

Should any Congressional Act be challenged as unconstitutional, all preliminary justifications/hearings/injunctions shall rely solely upon the Justification of Constitutional Authority drafted and approved by the Congress prior to the passage of the Bill effecting the Act in question.

EXPLANATION OF PURPOSE: In the interest of good order and discipline, and so as to avoid any misrepresentation to (or misinterpretation by) the citizenry of the States, or the Courts, it is both appropriate and prudent that any law passed through the Congress, or any Executive Order issued by the President, should be supported by its Constitutional authority. It is expected that in either circumstance the action should have already met a modicum of Constitutional scrutiny prior to its passage/issuance, which scrutiny and veracity of claim shall be the basis of any potential judicial review, and thus should be established at the outset. It is unreasonable to expect that the first time any action (taken under a Constitutional Republic) is subject to Constitutional scrutiny would be upon issuance of legal challenge. [This simply requires the Government to make a written case that their actions fall within their Constitutional authority prior to taking that action]

FEDERAL PROPERTY RIGHTS AND CONTROL: The Federal Government shall not be entitled, authorized, or allowed ownership or control of any land except that which is authorized herein. 1) A single contiguous Federal property (Qualifying as a Territory) officially designated as the Federal Capital, which property shall not be admitted as a State within the Union so long as it is so designated, 2) United States Territories, which have not yet been accepted to Statehood, and 3) Lands duly, and willingly, leased from the many States, or private citizens under mutually acceptable terms and conditions.

EXPLANATION OF PURPOSE: Despite no specific constitutional authority for the Federal Government to "own" land, the Federal Government currently owns between 25% and 30% of all property in the United States. This is recognized as an infringement on the rights of the States and the People respectively. No right-minded review of the United States Constitution, and the writings of the Founders, could come to an expectation that the Federal Government could, or should, at any time in United States history be the single largest landholder in the entirety of the Nation. This usurpation of State land is viewed as a clear and direct violation of State Sovereignty, and the limitation of powers effected under the Tenth Amendment to the United States Constitution.

PROHIBITION AGAINST THE FEDERALIZATION OF POLITICAL PARTIES: The Federal Government shall not accept, authorize, endorse, or publicize any political parties. Nor shall any Federal ballot, or State ballots for Federal elections, contain any reference to party affiliations to which private citizens are entitled to join in accordance with the First Amendment to the United States Constitution.

EXPLANATION OF PURPOSE: This prohibition is engendered as a result of the peoples' recognition that, in accordance with the predictions and warnings of our first president, allegiance to political parties has indeed facilitated unhealthy polarization of both the Government and the population at large and has resulted in political class development akin to that of an aristocracy, which has been cultivated so as to protect the power of the respective parties.

PROHIBITION AGAINST CIVIL ASSET FORFIETURE: No State or Federal Government shall effect civil asset forfeiture lasting more than 72 hours except that 1) a Federal (for Federal Government) or State (for State Governments) judge has signed a warrant detailing reasonable grounds for belief of guilt of a crime of a felonious nature, and 2) all assets are catalogued and returned if the individual is found Not Guilty of the charged crime, or if the respective Government fails to bring charges within six months from the time of asset seizure. Which return of assets shall occur within 72 hours of any exoneration, dropping of charges, or lapse of the six-month deadline for charging.

EXPLANATION OF PURPOSE: While the people may have expected the text of the Fourth and Fourteenth Amendments to have been sufficient to prevent the gross miscarriage of justice that is called "Civil Asset Forfeiture", we would have been mistaken. The people view this practice as antithetical to the ideals of due process and individual property rights. These practices clearly deprive persons of property without due process of law, and thus constitute an infringement upon the civil rights of the individual. In a sane nation, this Amendment would be unnecessary, and would constitute a redundancy against the Fourth and Fourteenth Amendments. However, considering the Supreme Court's unwillingness to uphold the Constitutional protection against capricious seizure of property, it is apparent that this requirement must be made all the clearer. Our national governance and evolution towards a police state has progressed to such a state that the government, in its various forms and capacities, has breached a critical juncture. As noted by the Washington Post, there are years where the government takes more assets from the citizens of the United States than are lost due to unlawful theft. Thus, the state sanctioned theft of private property may rightly be considered to be under greater threat by the Government than by modern thieves and brigands. To this, I would merely quote the venerable Thomas Paine, "Government, even in its best state, is but a necessary evil; in its worst state an intolerable one: for when we suffer, or are exposed to the same miseries BY A GOVERNMENT, which we might expect in a country WITHOUT GOVERNMENT, our calamity is heightened by reflecting that we furnish the means by which we suffer." Let us once and for all reaffirm the fundamental right to the protection of one's own property that should already have been evident by the plain text of the

Fourth Amendment to the Constitution of the United States, the Constitution to which theses rogue enforcement agencies (and the officers thereof) are purportedly beholden.

SUPREME COURT LEGAL ACTIONS FALLING UNDER ORIGINAL JURISDICTION: The Supreme Court of the United States shall be required to hear, and produce a ruling on, all cases in which the Supreme Court is the court of original jurisdiction, in accordance with Article III, Section 2, of the United States Constitution. Such hearing shall take place no later than 6 months from the date of case filing, and ruling shall be issued no later than 9 months from the date of case filing, but shall take place with all possible efforts at expediency.

EXPLANATION OF PURPOSE: In certain circumstances, as in the case of one State suing another State, the sole jurisdiction rests with the Supreme Court of the United States. Thus, we find that the right of redress of the parties to any such suit is imperiled by the willingness of the Supreme Court to even hear such a case. It is possible, and has happened, that such suits are unable to obtain so much as a perfunctory hearing; not because the merits of the case do not qualify, nor even because the case fails to make actionable claim, but rather because the Supreme Court justices decline to hear the case, and they do so often without so much as reviewing the associated claims of briefs. It is a travesty of justice that parties entitled to redress of wrongs would be waylaid not by circumstance or want of evidence, but by the mere unwillingness of the sole arbiter at law to participate in the process of justice which is their very purpose for existence.

CONGRESSIONAL BILL PROGRESSION: No Bill shall be brought to a vote in the House of Representative or the United States Senate without first having been put forward for public review, in its entirety, for the longer of 72 hours, or two hours for each 8”x10” numbered page used in printing said bill. Emergency measure may be undertaken by the respective Legislative bodies without regard to the public review process provided, first, that a three-fifths majority of the respective body votes that emergency action is required for the bill under consideration.

EXPLANATION OF PURPOSE: “We have to pass the bill so that you can find out what is in it” (Nancy Pelosi). This cannot be the stance of a government the purports to govern a free society. Too often our legislators vote and pass bills without any meaningful understanding of their contents, implications, or the will of the people they are intended to represent. In a free State, it cannot be asked of a Representative of the people that a legislator would be required to read, interpret, and cast an informed vote on any Bill, without due time for consideration, for public comment, and for the constituents of the respective legislators to contact them and make known the will of the governed. This perversion of intellectual honesty breeds pork barrel spending, perversion of intent, and leaves far too many legislators ignorant of the full breadth of the very Bills they are voting on. The citizenry of the United States deserve and demand the deliberative body

that the Constitution sought to establish in the creation of the Congress, and it is reasoned that no such expectation of full-bodied deliberation is possible when the respective legislators are not given sufficient time to comprehend the very Bill they are to vote for or against.

COMMON VERNACULAR: All Federal Bills, Laws, Regulation, and Guidance shall be drafted, processed, passed, and implemented via the use of the common modern vernacular, so as to facilitate proper understanding of the citizenry with regard to the content and implications of all such documents.

EXPLANATION OF PURPOSE: The common everyday citizen is rightly the master of government, as such, it is viewed as a subversion of the consent of the governed that more than one-third of the citizens represented by the House and Senate cannot rightly interpret the laws passed by their representatives in Congress. As such, the modern common vernacular in use at the time a bill is passed shall most effectively ensure that common citizens may best understand the actions of their Government, and the impact of those actions on their own lives and livelihoods.

FEDERAL AND FOREIGN GOVERNMENT SURVEILANCE OF UNITED STATES CITIZENS: No Federal or State Government shall permit, engage in, or collaborate towards the surveillance of United States Citizens without first having satisfied due process in accordance with the Fourth and Fourteenth Amendments to the United States Constitution as relates to due process. This prohibition exists regardless the public, private, domestic, or foreign nature of any entity with which the respective governmental body might seek to collaborate with or employ.

EXPLANATION OF PURPOSE: The inalienable right to privacy is a right enshrined in the Articles prohibiting against unlawful searches and seizures. Surveillance of a citizen is an infringement of that right. It is therefore reasserted here, that the People have the right to be secure in their homes without interference, surveillance, oversight, intrusion, search, or seizure of those rights by the government.

SUSPENSION OF CIVIL RIGHTS: The President, Congress, and the many States are prohibited from suspension of any Constitutional right, except that specific rights may be suspended by two-thirds majority vote of both the House and Senate in Cases of Rebellion or Foreign Invasion. No such suspension shall last for a period greater than thirty-days, excepting that such suspensions may be extended in thirty-day increments by subsequent two-thirds majority votes of both the House and Senate. In no circumstance shall any such suspension last greater than one-hundred and eighty days (180) during any eighteen (18)-month period. It is further clarified that no declaration of an "emergency" or use of executive authority shall warrant or justify the suspension of civil rights, except that they are accompanied by the aforementioned two-thirds vote by both the House and the Senate in response to Rebellion or Foreign Invasion.

EXPLANATION OF PURPOSE: Pending

APPORTIONMENT OF ELECTORAL COLLEGE VOTES: Federal Electoral College Votes shall be assigned by the many states in all Federal elections based on the percentage of the vote received, to all candidates that receive at least 5% of the votes cast in the general election. No state shall assign votes via a "winner take all" process, as this is repugnant to the basic ideal of Representative Republic.

EXPLANATION OF PURPOSE: At its very core, we discuss here the most basic charge which brought about the revolution by the colonies of the "new world" and resulted in the establishment of the United States of America. The perverted execution of the Electoral College has once more resulted in "taxation without representation". This is most pernicious in that those states that execute the scheme that robs the minority opinion citizenry of their voice in Federal elections. This scheme serves to press the Electoral College into simple majority service, while stripping the minority population of any meaningful impact on the election of the President of the United States. This should in no way be interpreted as a call for popular election, or unrestrained democratic election of the President, as the Electoral College is rightly viewed as a check against populism, thus preserving the protections against abuses by the majority. The Electoral College is, rightly viewed and executed, the most basic realization of the values of a Representative Republic. These values demand that the voices of the citizens be both heard and headed, while ensuring that the weight of any particular assembly of citizens is not granted such weight, by virtue of majority rule, that they are given to subsume the will of free states, and free citizens.

DEFINING THE SCOPE OF THE FEDERAL POWER TO REGULATE COMMERCE: The powers conveyed under Article 10, Section 8, Clause 3, of the United States Constitution (i.e., "the commerce clause") shall be constricted in their interpretation to only such powers required regulate matters of conflict between the many States and resident Indian Tribes, and to maintain within the borders of the United States a free and unrestrained market pertaining to interstate commerce. Under no circumstances shall the Federal Government have any power to compel, tax, regulate, punish, or otherwise engage a citizen, business, or State, outside of active participation in business transactions equating to interstate "commerce". The Federal Government is further, and expressly, prohibited from regulating individuals that are not already actively engaged in commerce. It is the intent of this Amendment to expressly repudiate the constitutional opinion represented in Wickard v. Filburn (317 U.S. 111, 63 S. Ct. 82, 87 L. Ed. 122 (1942)), claiming that Congress may regulate the activities of entities totally apart from interstate commerce, if those activities affect interstate commerce.

EXPLANATION OF PURPOSE: Pending

DEMILITARIZATION OF FEDERAL AGENCIES: With the exception of the Department of Defense, no Executive or Federal Agency shall be permitted to acquire, own, or utilize Arms or Ammunition, with the exception that the Congress has voted by a sixty percent (60%) majority to invest such Agency with Domestic Law Enforcement Authority. With the exception of the Department of Defense, no Government Agency shall be entitled to the use of Arms or Ammunition that is prohibited to the general citizenry of the United States.

EXPLANATION OF PURPOSE: Pending

III. Institution of Term Limits:

TERM LIMITS: No member of the House of Representative, the United States Senate, or the Supreme Court of the United States shall serve more than twelve years in any one of the Legislative or Judicial Branches of the Federal Government, or more than fifteen years in any combination of the Legislative and Judicial Branches of Government. Upon ratification of this Amendment, any incumbent member of Congress whose tenure or term exceeds the limits established herein shall complete the current term, but thereafter shall be ineligible for further service as a member of Congress or the Judiciary.

EXPLANATION OF PURPOSE: This Amendment serves the purpose of eliminating the political class and returning to the foundational principle that the Government should be representative of the People. Under our current system, political representatives enter the congress and remain for decades, some of whom have spent a significant majority of their lives in elected office. There may be those that argue 30-50 years just makes for a more experienced leader… but we find that a hollow claim. For individuals that are intended to represent the general public, business, and minorities, these professional politicians can

scarcely remember what it was to be a “mere citizen”. The primary benefit derived from this amendment will be the recognition that these holders of political office will be required to live, and provide for their families, under the laws, policies, and regulation that they pass through the halls of government. This results in a legislative body that is once more truly invested in the impacts of the law on the common citizen.

SUPREME COURT STAFFING AND SELECTION: The Supreme Court of the United States shall be comprised of 9 Judges, each serving a single term consisting of 12 years, delegated into three Classes of three Justices, which appointments shall be staggered in four-year increments. Supreme Court Class Terms shall be staggered so as begin on the 17th day of April, and end on the 16th day of April. Immediately upon ratification of this Amendment, Congress will organize the justices of the Supreme Court into three classes, with the justices assigned to each class in reverse seniority order, with the most senior justices in the earliest classes. The terms of office for the justices in the First Class will expire on the 17th day of April of the fourth Year following the ratification of this Amendment, the terms for the justices of the Second Class will expire at the eighth April, and of the Third Class at the twelfth April.

Any Justice’s seat which is vacated outside of the prescribed process (e.g., death or retirement of a Justice) shall not be filled until the following presidential appointment, and the succeeding Justice shall assume the “class” and tenure of the vacating Justice, resulting in a maximum term for the succeeding Justice of only that balance remaining of the preceding Justice’s available term.

EXPLANATION OF PURPOSE: It is with solemn respect for the institution which leads to the recommendation of Term Limits for Supreme Court Justices. The political left and right have both made countless claims regarding the partisan nature of various Supreme Court Justices. In the same way, there has been a bi-partisan recognition that the court has too much power and too frequently operates as an unelected legislature, up to and including the redefinition of language and/or re-writing laws in question in the course of issuing rulings. As a result, every appointment has become a political fight to the death, focused almost exclusively on the ideological impacts of the appointment as opposed to the resume and jurisprudence of the nominee today. Further, ending lifetime appointment for Justices would also promote the "consent of the governed", contrasting our modern "angels to govern us" approach that was firmly rejected by Thomas Jefferson as a form of judicial tyranny.